

REMARKS

Applicant respectfully requests the Examiner's reconsideration of the present application. Claim 4 has been canceled. Claims 1, 25 and 49 have been amended. No claims have been added. Therefore, claims 1-3 and 5-72 are presented for examination.

Interview Summary

On or about January 7, 2005, Applicant's attorney, J. Scott Heilesen, Reg. No. 46,765, had a telephonic discussion with Examiner Le V. Nguyen of Art Unit 2174. The purpose of the discussion was to clarify what references were being used for the rejections in the present Office Action. In particular, at page 2 of the Office Action mailed December 2, 2004, it was not clear what patent numbers corresponded to the references referred to as Keller and Kurashina. Examiner Le indicated that the Keller reference corresponded to U.S. Patent No. 6,621,768, and the Kurashina reference corresponded to U.S. Patent No. 6,661,736.

Claim Amendments

Applicant has amended the claims to more particularly point out what Applicant regards as their invention. In particular, support for the present amendments may be found within Applicant's Specification, for example at page 12, lines 6-17. No new matter has been added as a result of these amendments.

Rejections Under 35 U.S.C. §103(a)

Keller in view of Kurashina

Claims 1-4, 25, 26, 28, 49, 50 and 52 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller et al., U.S. Patent No. 6,621,768 ("Keller") in view of Kurashina et al, U.S. Patent No. 6,661,736 ("Kurashina"). Applicant respectfully submits that the present claims are patentable over the combination of Keller and Kurashina.

Keller discloses a stand-alone compact disk recording device. A front panel of the compact disk recorder includes a graphic display device for communicating information to a user, which may also include a graphical user interface for operating, controlling, and programming the compact disk recorder. A front bezel of the device includes physical buttons for interacting with the graphic display device, including an eject/retract button which allows for the opening and closing of the compact disk tray.

Kurashina discloses an optical disk recording device capable of recording CD Text data. The recording device includes an ejection/loading key (button) that can be operated by a user. If an ejection command is received, the recording device determines whether a disk within the recording device is in a non-finalized partial recording condition (i.e. program data has been recorded to the program area of the disk, but TOC data has not been written into the lead-in area of the disk). If the disk is not finalized and in a partial recording state, CD Text data is recorded to a sub-code area of the disk, thereby temporarily preserving the CD Text data for use when the disk is later finalized. The disk is then ejected from the device.

Applicant respectfully submits that the combination of Keller and Kurashina does not teach or suggest each and every limitation of the claims. Independent claims 1, 25 and 49, as amended, include the limitation that upon said receiving of said command to eject, a DPS writes or erases said first data on said blank writeable media. The Examiner has admitted that Keller does not teach or suggest this limitation. (Office Action of 12/2/04, p. 2, lines 14-16). Applicant further submits that Kurashina also does not teach or suggest this limitation. Kurashina discloses that upon receiving an eject command, CD text data is written to a partially recorded disk (Kurashina, col. 9, line 55- col. 10, lines 15); therefore, Kurashina does not teach or suggest writing to a blank media upon said receiving of said command to eject, as claimed.

Accordingly, Applicant respectfully submits that independent claims 1, 25 and 49, and claims 2,3, 26, 28, 50 and 52 that depend from them, are patentable over the combination of Keller and Kurashina, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

Keller in view of Kurashina

Claims 5, 9-11, 14, 18-23, 27, 29, 33-35, 38, 42-47, 51, 53, 57-59, 62 and 66-71 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina. Applicant respectfully submits that the present claims are patentable over the combination of Keller and Kurashina.

Claims 5 and 9-11 depend from claim 1. As discussed above, the combination of Keller and Kurashina does not teach or suggest the limitations of claim 1. Furthermore, the Examiner's asserted Official Notice (i.e. that prompting a user with selectable options upon inserting media is well known in the art) also fails to teach or suggest the missing limitation of writing to a blank media upon receiving a command to eject. Therefore, claims 5 and 9-11 are patentable over the combination of Keller and Kurashina.

Independent claims 14, 38 and 62 include the limitation of displaying automatically, in response to said receiving and on a display device coupled to said DPS, a prompt to a user with at least three selectable options which allow said user to:

- (1) eject said blank once writeable media from said drive system or
- (2) use said blank once writeable media in said drive system or
- (3) launch an audio CD creation program.

Applicant submits that the combination of Keller, Kurashina, and the asserted Official Notice, does not teach or suggest the limitations of the claims. The Examiner admits that Keller does not teach or suggest prompting a user with selectable options. (Office Action of 12/2/05, page 4, line 9-10). Applicant respectfully objects to the Examiner's Official Notice, and requests that the Examiner cite documentation in support of her position that it would have been obvious to prompt a user with selectable options upon inserting media. Nonetheless, Applicant submits that neither Keller, Kurashina, nor the asserted Official Notice teach or suggest displaying a prompt with three options on a display device, as claimed.¹ In particular, neither Keller, Kurashina, nor the asserted Official Notice teach or suggest one of the three selectable options being to launch an

¹ Applicant notes that claims 14, 38 and 62 recite "a prompt to a user with at least three selectable options." These claims do not recite "at least two selectable options," as indicated by the Examiner at page 4, line 10.

audio CD creation program, as claimed. Therefore, claims 14, 38 and 62 are patentable over the combination of Keller, Kurashina and the Official Notice.

Independent claims 18, 42 and 66 include the limitation of creating automatically, in response to said receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media. Applicant submits that the combination of Keller, Kurashina, and the asserted Official Notice, does not teach or suggest this limitation of the claims. The Examiner has asserted that col. 12, lines 37-42 discloses this limitation. However, this portion of Keller merely discloses that data may be saved in a storage structure of Keller's device; there is no teaching or suggestion in Keller that a file is automatically created in response to receiving a blank writeable media, as claimed. Additionally, neither Kurashina or the asserted Official Notice teach or suggest this limitation. Therefore, claims 18, 42 and 66, and claims 19-23, 43-47 and 67-71 are patentable over the combination of Keller, Kurashina and the Official Notice.

Accordingly, Applicant respectfully requests the withdrawal of the rejection claims 5, 9-11, 14, 18-23, 27, 29, 33-35, 38, 42-47, 51, 53, 57-59, 62 and 66-71 under 35 U.S.C. §103(a).

Keller in view of Kurashina and Moore

Claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina and further in view of Moore et al., U.S. Patent No. 5,835,297 (Moore"). Applicant respectfully submits that the present claims are patentable over the combination of Keller, Kurashina and Moore.

Moore discloses detecting the insertion of a medium into a drive. Moore's background discloses that the Windows 95 operating system is aware when a new CD-ROM is inserted in the CD-ROM drive and displays an icon representing the CD-ROM on a screen.

Claims 6, 7, 12, 13 depend from claim 1. Claims 30, 31, 36 and 37 depend from claim 25. Claims 54, 55, 60 and 61 depend from claim 42. As discussed above, the

combination of Keller and Kurashina does not teach or suggest the limitations of independent claims 1, 25 and 42. Applicant submits that Moore also does not teach or suggest the missing limitations. In particular, Moore does not teach or suggest the limitation that upon said receiving of said command to eject, said DPS writes or erases said first data on said blank writeable media (Claims 1 and 25); nor does Moore teach or suggest the limitation of creating automatically, in response to said receiving, a data file on a storage device which is coupled to said DPS prior to writing data to said blank writeable media (Claim 42).

Accordingly, Applicant respectfully submits that claims 6, 7, 12, 13, 30, 31, 36, 37, 54, 55, 60 and 61 are patentable over the combination of Keller, Kurashina and Moore, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

Keller in view of Kurashina and Moore

Claims 8, 15-17, 32, 39-41, 56 and 63-65 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina and further in view of Moore. Applicant respectfully submits that the present claims are patentable over the combination of Keller, Kurashina and Moore.

Claim 8 depends from claim 1. Claims 15-17 depend from claim 14. Claim 32 depends from claim 25. Claims 39-41 depend from claim 38. Claim 56 depends from claim 49. Claims 63-65 depend from claim 62. As discussed above, the combination of Keller and Kurashina does not teach or suggest the limitations of independent claims 1, 25, 38, 49 and 62. Applicant submits that Moore also does not teach or suggest the missing limitations. In particular, Moore does not teach or suggest the limitation that upon said receiving of said command to eject, said DPS writes or erases said first data on said blank writeable media (Claims 1, 25 and 49); nor does Moore teach or suggest the limitation of displaying automatically, in response to said receiving and on a display device coupled to said DPS, a prompt to a user with at least three selectable options which allow said user to: (1) eject said blank once writeable media from said drive

system or (2) use said blank once writeable media in said drive system or (3) launch an audio CD creation program. (Claims 38 and 62).

Accordingly, Applicant respectfully submits that claims 8, 15-17, 32, 39-41, 56 and 63-65 are patentable over the combination of Keller, Kurashina and Moore, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

Keller in view of Kurashina

Claims 24, 48 and 72 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Keller in view of Kurashina. Applicant respectfully submits that the present claims are patentable over the combination of Keller and Kurashina.

Claim 24 depends from claim 18. Claim 48 depends from claim 42. Claim 72 depends from claim 66. As discussed above, the combination of Keller and Kurashina does not teach or suggest the limitations of independent claims 18, 42 and 72. Accordingly, Applicant respectfully submits that claims 24, 48 and 72 are patentable over the combination of Keller and Kurashin, and requests the withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

Conclusion

Applicant respectfully submits that in view of the amendments and discussion set forth herein, the applicable rejections have been overcome and the pending claims are in condition for allowance.

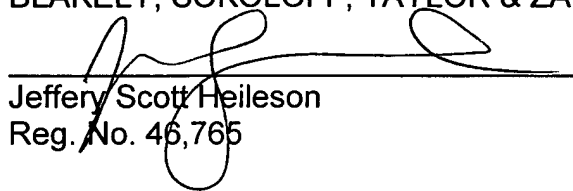
If the Examiner determines the prompt allowance of the claims could be facilitated by a telephone conference, the Examiner is invited to contact Scott Heilesen at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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